Alberta Human Rights
and Citizenship Commission

Annual Review 1999 – 2000

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Alberta Human Rights and Citizenship Commission

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About the Alberta Human Rights and Citizenship Commission

In Alberta, the *Human Rights, Citizenship and Multiculturalism Act* (the Act) protects Albertans from discrimination. The Act establishes the Alberta Human Rights and Citizenship Commission to carry out functions under the Act. The Commission is an independent agency of the Government of Alberta, which reports through the Ministry of Community Development.

Through the provisions outlined in the Act, the Alberta Human Rights and Citizenship Commission follows a two-fold mandate:

- to foster equality, and
- to reduce discrimination

The Commission fulfills this mandate through public education initiatives and the resolution and settlement of complaints of discrimination.

The purpose of the Act is to ensure all Albertans are offered an equal opportunity to earn a living, find a place to live and enjoy services customarily available to the public without discrimination.

The *Human Rights, Citizenship and Multiculturalism Act* protects Albertans against discrimination in the following areas:

- publications and notices
- goods, services, accommodation and facilities
- tenancy
- employment practices
- applications and advertising regarding employment
- membership in trade unions, employers' organizations or occupational associations

Within the areas listed above, it is a contravention of the Act to discriminate against any person on the basis of race, religious beliefs, colour, gender, physical disability, mental disability, ancestry, place of origin, marital status, family status or source of income. As of April 2, 1998, sexual orientation was read into the Act as a protected ground in all areas. Age is also a ground protected from discrimination, except in the areas of tenancy and goods and services.

In addition to the six areas and grounds discussed above, the Act protects Albertans in the area of equal pay. This provision requires that where employees of both sexes perform the same or substantially similar work for an employer, they must be paid at the same rate.

The Act also prohibits a person from retaliating against any person who has made a complaint, or given evidence or assisted any one else in making a complaint. The Act also does not allow a person to make a complaint with malicious intent that is frivolous or vexatious.

Section 16 (1) of the Act outlines the functions of the Commission:

- to forward the principle that all persons are equal in: dignity, rights and responsibilities without regard to race, religious beliefs, colour, gender, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status, or sexual orientation,
- to promote awareness and appreciation of and respect for the multicultural heritage of Alberta society,
- to promote an environment in which all Albertans can participate in and contribute to the cultural, social, economic and political life of Alberta,
- to encourage all sectors of Alberta society to provide equality of opportunity,
- to research, develop and conduct educational programs designed to eliminate discriminatory practices related to race, religious beliefs, colour, gender, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status, or sexual orientation,
- to promote an understanding of, acceptance of and compliance with this Act,
- to encourage and co-ordinate both public and private human rights programs and activities, and
- to advise the Minister on matters related to this Act.

An appointed Director and other employees handle the administrative responsibilities relating to the resolution and settlement of complaints made under the Act. The Director and staff are also responsible for providing education programs and services that aim to eliminate discrimination and remove barriers that prevent Albertans from fully participating in society. The work of the Director and staff is separate and distinct from the adjudicative work of the Commissioners and is discussed further in Part I and Part III of this report.

The Chief Commissioner and six part-time Commissioners are appointed by Order in Council. Decisions by the Director to dismiss or discontinue complaints can be appealed to the Chief Commissioner. The Chief Commissioner also appoints Commissioners to serve on human rights panels. The panels are administrative tribunals that hold public hearings into human rights complaints that are not closed through the Commission's resolution and settlement process. The purpose of the human rights panels is to adjudicate complaints to determine whether or not there has been a contravention of the Act. The work of the Chief Commissioner and the Commissioners is discussed in Part II of this review.

Highlights

Human rights complaints

In 1999 – 2000 the Commission opened 692 complaint files, a small decrease from the 731 files opened in 1998 – 1999. This decrease was due in part to more effective screening and assessment of complaints. As in the previous three years, gender and physical disability complaints continued to be the two most common grounds on which complaints were made. Many complaints alleged discrimination on multiple grounds. A total of 896 grounds were cited in the 692 files opened.

Significant progress was made in resolving and settling files in 1999 – 2000 as compared with previous years. This year saw 822 files closed, a significant increase from the 680 files closed in 1998 – 1999. This was the largest number of files closed over the past six years. As well, more files were closed than were opened.

In 1999 – 2000, ten human rights panels were convened to hear and make decisions on complaints that could not be resolved or settled by Commission staff. These panels heard a total of 27 complaints. In comparison, two panels were convened in 1998 – 1999 to hear a total of four complaints. In 1999 – 2000, an additional nine complaints scheduled for panel hearings were settled by the parties prior to a hearing. In comparison, an additional eleven complaints scheduled for panel hearings were settled prior to the hearing in 1998 – 1999. The panel process is independent from the work of Commission staff in resolving and settling complaints. Human rights panels are composed of human rights Commissioners and are appointed by the Chief Commissioner of the Alberta Human Rights and Citizenship Commission.

Process improvement

The Alberta Human Rights and Citizenship Commission is committed to continuously improving processes to resolve complaints made under the Act. In 1999 – 2000 the Commission's focus on improving its processes was recognized with a Premier's Award of Excellence for the redesign of the intake and complaint assessment process. The redesign of the intake and complaint assessment process resulted in a user-friendly complaint guide and form that enables Albertans to prepare their own complaints for submission to the Commission, improved intake assistance, and a faster assessment of submitted complaints.

This focus on improving processes continued throughout 1999 – 2000. The Commission tested different scheduling and staffing approaches in the intake area to see which provided better results. It modified conciliation processes to test whether less formal approaches could provide faster yet fair resolutions. New timelines were set for processing complaints. In addition, Alberta's caseload management processes and performance targets were compared with those of other provincial human rights commissions. As a result of these improvements a greater number of complaints closed than in previous years.

Education services

Education and the promotion of human rights are core functions of the Commission. One of the yearly highlights promoting human rights is the celebration marking International Human Rights Day on December 10th. Approximately 350 people gathered at Edmonton's City Hall in December to celebrate International Human Rights Day and to recognize the 1999 Human Rights Award and Suzanne Mah Award recipients.

Presentations on Alberta's human rights legislation were provided to businesses, community organizations, educational and other public institutions. Commission material and information was displayed in many different communities. The Commission provided assistance and consultation to businesses and public institutions to develop anti-harassment policies for their workplace environment.

Research was conducted to identify strategies to make the Commission's services better known and understood and more accessible. The Commission's information sheets and the web site were updated. Based on customer feedback, an automated telephone system was installed that enables Albertans to receive information on Commission services 24 hours a day, 7 days a week.

Human rights education needs were assessed through focus groups held in Edmonton and Calgary in March 1999. This information provided the basis for a national human rights conference on the theme of human rights and diversity education, organized by the Commission on behalf of the Canadian Association of Statutory Human Rights Agencies and scheduled for May 2000 in Banff.

The Commission's interest in promoting human rights and diversity education is shared with other organizations, including the Human Rights, Citizenship and Multiculturalism Education Fund. The Education Fund provides financial assistance for the Commission's educational programs, and the Chief Commissioner serves as vice-chair of the Education Fund Advisory Committee.

Part I: Complaint resolution and settlement process provided by the regional offices and Director's office

Overview

The Commission provides information on a confidential basis and free-of-charge to people in Alberta who believe they may have experienced discrimination, or who are responding to a human rights issue. Commission staff provide information, not legal advice, and remain neutral on all inquiries.

Confidential inquiries

Those bringing an inquiry to the Commission are able to consult with a human rights officer who can suggest what they might do to try to resolve the situation. Often, people or organizations may not be aware they have discriminated against someone, or that an action they have taken is perceived as being discriminatory. When told of the problem or concern, people often stop the discrimination and correct any inequity it may have caused, or they can clear up any miscommunication that led to a perception of discrimination. People bringing inquiries to the Commission that are outside its mandate are referred to other agencies.

Submitting a human rights complaint

If an individual's efforts fail to resolve a situation where they believe they experienced discrimination, and they wish the Commission to become directly involved, they may submit a human rights complaint. A complainant has the legal obligation of showing reasonable grounds for believing that discrimination has occurred and must submit the complaint within twelve months of the alleged incident.

Assessing a human rights complaint

Commission staff review human rights complaints to determine if they should be accepted. Complaints need to fall within the Commission's jurisdiction, be made within 12 months of the alleged incident of discrimination, and demonstrate reasonable grounds. If the Commission accepts the complaint, then the party being complained about is asked to respond to the complaint. Their response is then shared with the complainant.

A third party may make a complaint on behalf of another individual with that person's agreement. A complainant may stop the complaint process at any step.

Two methods for resolving human rights complaints

When a human rights complaint is accepted by the Commission, two methods may be used to resolve the dispute. The first is conciliation; the second is investigation.

Conciliation is a voluntary, non-adversarial approach to resolving disputes in which a neutral person, known as a conciliator, helps the complainant and the respondent (the parties in the dispute) to identify the issues, discuss the factors surrounding these issues and generate possible solutions. The objective of conciliation is to reach a settlement that is acceptable to both parties without going through an investigation. To ensure the parties are as forthright as possible, all discussions and any information supplied by the parties are on a without prejudice basis, that is, the information is not used for any purpose other than the conciliation.

Investigation is the impartial collection and examination of facts about the complaint. The objective of investigation is to determine whether discrimination occurred. Commission staff conduct an investigation if conciliation is inappropriate, unsuccessful or declined by either party.

Conciliation

After the complaint has been filed, the case is assigned to a conciliator, who attempts to resolve the complaint by assisting the parties to determine a mutually acceptable solution. During conciliation, it is the parties themselves who make any decisions to resolve the dispute. The conciliator simply helps them understand the issues and come to a mutually acceptable solution. The conciliator also helps the parties prepare a written agreement.

The conciliator remains neutral during the process and does not judge the issues. The conciliator does not have the authority to impose any solution or decision on the parties. The Commission recognizes the rights of both parties to the complaint and, during conciliation, does not act on behalf of either party.

The degree of the alleged discrimination, specific facts of the incident and the evidence available may influence conciliation. Each case is unique.

Conciliation is often successful because the decision about how to resolve the complaint has been made jointly by both parties who share ownership of the decision and respect the outcome.

Investigating human rights complaints

If conciliation is inappropriate, unsuccessul or declined by either party, the case will be assigned to an investigator. The investigator will investigate the complaint, and analyze the evidence they discover in relation to human rights law. If the evidence supports a finding that there is merit to the complaint, that is there has been a contravention of the Act, the investigator recommends a remedy. At any point during the investigation, and again once it is completed, Commission staff will try to help the parties reach a settlement if they request assistance.

If the evidence shows there is no merit to the complaint, that is if there has been no contravention of the Act, then the investigator recommends that the Director dismiss the complaint. The complainant may appeal a decision by the Director to dismiss the complaint to the Chief Commissioner.

Settling a human rights complaint where merit is found

When an investigation shows that there has been a contravention of the Act, Commission staff work with the parties to attempt to settle the complaint by securing a remedy for the complainant. Remedies may include financial and non-financial compensation for actual losses and/or suffering that occurred as a result of discrimination.

The objective of a remedy is to restore the person who has been discriminated against to the position he or she would have been in if the discrimination had not occurred. It is not the purpose of the remedy to punish the person or persons who contravened the Act. Recommended remedies are based on Canadian and Alberta legal precedents in human rights cases.

The Commission is responsible for addressing the interests of both the individual and the public when discrimination occurs and remedies are applied. For example, if a complainant has lost his or her job because of racial discrimination, the individual's interests would be addressed if the recommended remedy called on the employer to do one or more of the following:

- provide an apology to the complainant;
- provide a job reference for the complainant;
- commit to not repeating the behaviour or ensuring the behaviour will not recur in the workplace;
- re-instate the complainant to his or her former job if the complainant wishes to return;

- make financial compensation to the complainant for lost income as well as for any pain and suffering he or she has experienced as a result of the discrimination.

The public's interest would be addressed if the recommended remedy called on the employer to:

- have an education session on human rights;
- introduce a non-discrimination policy into the workplace.

Complainants have a responsibility to minimize (mitigate) the losses they experienced through discrimination. For example, complainants are not compensated for actions that they could have taken, such as failing to look for or failing to accept a job.

The degree of discrimination influences the recommended remedy. Each case is unique.

Dismissing or discontinuing a complaint

The Director dismisses a complaint when no merit is found, that is, when the investigation determines that there has been no contravention of the *Human Rights, Citizenship and Multiculturalism Act*.

The Director may discontinue a complaint with merit if the Director is of the opinion that the complainant has refused to accept a proposed settlement offered by the respondent that is fair and reasonable.

In both cases, where the Director dismisses or discontinues a complaint, the complainant can request that the Chief Commissioner review the Director's decision. This request must be made within 30 days of receiving the Director's decision. See "Appeals to the Chief Commissioner" on page 19 for more information.

Withdrawn or abandoned complaints

Complainants typically withdraw their complaints when they agree there is no merit to their complaint. Another reason for withdrawal is that the complainant has settled the dispute in another forum such as a grievance procedure or civil court action and withdrawal of the human rights complaint is part of the settlement agreement. A file is considered to be "abandoned" when, for whatever reason, the complainant decides to no longer maintain contact with the Commission.

Complaint files opened and closed

In the fiscal year April 1, 1999, through March 31, 2000, the Commission received an estimated 45,000 phone calls. Commission staff refer callers to other agencies when their inquiries are outside the Commission's mandate. If the matter is within the Commission's mandate, intake officers assist callers by sending them printed information, referring them to the Commission website, offering suggestions on steps they can take to resolve the matter themselves, or providing guidance on how to complete a human rights complaint form. In the end, the Commission opened 692 complaint files, a decrease from the 731 files opened in 1998 – 1999.

In 1999 – 2000 significant progress was made in closing files as compared with previous years. This year saw 822 files closed, a significant increase from the 680 files closed the previous year, and the largest number of files closed over the past six years.

Complaint files opened and closed in 1998 – 1999 and 1999 – 2000

Item	1998 – 1999	1999 – 2000
Complaint files opened	731	692
Complaint files closed	680	822

Grounds of discrimination cited in complaint files opened

Many of the complaint files opened contained multiple grounds. A total of 896 grounds were cited in the 692 complaint files opened in 1999 – 2000. This continues an apparent trend where a number of complainants allege discrimination on more than one ground. A total of 981 grounds were cited in the 731 complaint files opened in 1998 – 1999.

The following table shows the distribution of complaints opened by ground of discrimination for the fiscal years 1998 – 1999 and 1999 – 2000.

The large number of complaints received on the grounds of gender and disability continues a trend seen by the Commission over the last few years. In 1999 – 2000, 37 percent (or 258 files) cited discrimination on the ground of physical disability and 35 percent (242 files) cited gender. In that same year mental disability was cited in 13 percent of the files. In 1998 – 1999, the two largest grounds of complaints were also gender (which was cited in 41 percent of files)

and physical disability (cited in 40 percent of files). Mental disability was cited in eight percent of the files. As noted in the following table the grounds of race, colour, ancestry and place of origin are also cited frequently.

Two different percentage calculations are presented in the table:

- The columns titled *Percentage of files opened that cite ground* are calculated using the total number of complaint files opened in the year specified. For example, 298 of the 731 complaint files opened in 1998 – 1999 cite the ground of gender. Therefore, 41 percent of the complaint files opened cite the ground of gender (298 divided by 731 times 100% = 41%). The percentages in this column total more than 100 because of the multiple grounds cited in some files.
- The columns titled *Ground as a percentage of total number of grounds cited* are calculated using the total number of grounds cited in the fiscal year in question. For example, 298 of the 981 grounds cited in 1998 – 1999 were gender. Therefore, 30 percent of the total number of grounds cited were gender (298 divided by 981 times 100% = 30%).

Files opened by ground 1998 – 1999 and 1999 – 2000

	1998 – 1999 (731 files opened)			1999 – 2000 (692 files opened)		
Ground	Number of times ground cited	Percentage of files opened that cite ground	Ground as a percentage of total number of grounds cited	Number of times ground cited	Percentage of files opened that cite ground	Ground as a percentage of total number of grounds cited
Gender	298	41%	30%	242	35%	27%
Physical disability	289	40%	29%	258	37%	29%
Mental disability	62	8%	6%	91	13%	10%
Race/colour	91	12%	9%	95	14%	11%
Ancestry/origin	74	10%	8%	68	10%	8%
Age	54	7%	6%	43	6%	5%
Family status	39	5%	4%	35	5%	4%
Religious beliefs	28	4%	3%	20	3%	2%
Marital status	26	4%	3%	15	2%	2%
Sexual orientation	14	2%	1%	21	3%	2%
Source of income	5	1%	1%	7	1%	1%
Other	1	0%	0%	1	0%	0%
Totals	**981**	**134%***	**100%**	**896**	**129%***	**101%****

* Totals more than 100% because multiple grounds are cited in some of the files.

** Totals more than 100% due to rounding.

Areas cited in complaint files opened

Of the 896 grounds cited in complaints made in 1999 – 2000, the majority (80 percent) were in the area of employment. In the previous year, 1998 – 1999, 79 percent of grounds cited were in employment.

The only other area that received a substantial number of complaints was the area of services, which received 12 percent of the grounds cited. The area of tenancy received three percent of the grounds cited, employment advertisements received two percent, and all the other areas received a combined total of three percent of grounds cited.

The following table provides information on the percentage of complaint grounds cited in different areas. The percentage of complaints opened in different areas remained relatively consistent over the two years.

Areas cited in complaint files opened in 1998 – 1999 and 1999 – 2000

Area	Percentage of complaint grounds cited in each area	
	1998 – 1999 (981 grounds cited)	1999 – 2000 (896 grounds cited)
Employment	79%	80%
Services	12%	12%
Advertisements, applications, interviews	3%	2%
Tenancy	2%	3%
Occupational membership	1%	1%
Notices	1%	1%
Equal pay	1%	1%
Retaliation	1%	0%
Total	100%	100%

Disposition of closed complaint files

A total of 822 complaint files were closed in 1999 – 2000. The vast majority of complaints (786 complaints, 96 percent) were settled by the parties through conciliation or investigation, were dismissed or discontinued by the Director, or were withdrawn or abandoned by the complainant. Four percent of the files closed were closed at the panel stage. These files are discussed in Part II of this report.

With the help of a conciliator provided by the Commission, the parties settled forty-eight percent of the complaints (or 392 files). Twelve percent of the complaints (100 files) were settled by the parties at the investigation stage with the assistance of Commission staff.

The Director dismissed fifteen percent of the complaints (125 files). Seventy-eight of the 125 files closed as "dismissed" were not appealed to the Chief Commissioner; the other forty-seven files closed as "dismissed" were appealed. In one case the complainant appealed to the Chief Commissioner but then decided not to proceed. The remaining 46 files that were appealed to the Chief Commissioner remained closed as "dismissed" because he upheld the dismissal. When the Chief Commissioner overturns a dismissal the file remains open and proceeds to panel. In 1999 – 2000 the Chief Commissioner overturned seven dismissals (see table on page 21).

The Director discontinued one percent of the complaints (5 files). Two of the five files closed as "discontinued" were not appealed to the Chief Commissioner. The remaining three files were appealed to the Chief Commissioner. They remained closed as "discontinued" because he upheld the discontinuance.

When the Chief Commissioner overturns a discontinuance the file remains open and proceeds to panel. In 1999 – 2000 the Chief Commissioner overturned one discontinuance (see table on page 21).

Complainants withdrew or abandoned twenty percent of complaints (164 files). The majority of these (111 files) were withdrawn. Complainants abandoned fifty-three files.

A comparison of complaints closed between 1998 – 1999 and 1999 – 2000 shows an increase in complaints settled through conciliation, an increase in the number of complaints dismissed, a decrease in the number of complaints withdrawn or abandoned by the complainant, and an overall increase in the number of complaints closed in 1999 – 2000.

Disposition of closed complaint files in 1998 – 1999 and 1999 – 2000 through the Commission's resolution and settlement process

Disposition	1998 – 1999 Number of files	1998 – 1999 Percentage of files	1999 – 2000 Number of files	1999 – 2000 Percentage of files
Resolution and settlement process				
Settled through conciliation	296	44%	392	48%
Settled through investigation	73	11%	100	12%
Dismissed	60	9%	125	15%
Discontinued	6	1%	5	1%
Withdrawn or abandoned by complainant	230	34%	164	20%
Sub-total of complaints closed through resolution and settlement process	**665**	**99%**	**786**	**96%**
Complaints settled through the human rights panel process	15	2%	36	4%
Total	680	101%*	822	100%

* Totals more than 100% due to rounding.

Time frame for closed complaints

The Commission's performance target for completing the complaint resolution and settlement process provided by the regional offices and Director's office is to complete the process within a maximum of 435 days from the day the complaint is accepted. The measurement of this performance target includes the time it took for each file to be settled by the parties at the conciliation or investigation stage, dismissed or discontinued by the Director, withdrawn or abandoned by the complainant, or forwarded by the Director to the Chief Commissioner for a panel hearing.

In 1999 – 2000 the Commission closed 822 complaints. The average time it took to complete the complaint resolution and settlement process provided by the regional offices and Director's office was 350 days. The median time was 272 days. The Commission met its performance target of completing this process within a maximum of 435 days for 606 of the 822 files that closed, or in 74 percent of the cases.

The average and median number of days to complete the process were slightly higher in 1999 – 2000 than the previous year due to the progress made by the Commission in settling older files that tend to be more complex.

Average and median number of days to complete the complaint resolution and settlement process provided by the regional offices and Director's office for files that closed in 1998 – 1999 and 1999 – 2000

Measure	1998 – 1999 (680 files closed)	1999 – 2000 (822 files closed)
Average number of days to complete the complaint resolution and settlement process	341	350
Median number of days to complete the complaint resolution and settlement process	253	272
Performance standard	435	435

Some files go through the review and panel processes provided by the Chief Commissioner and Commissioners. If the time it took to complete the review and panel process is added to the the time it took to complete the complaint resolution and settlement process provided by the regional offices and Director's office, the above time lines increase somewhat as shown in the following table.

Average and median number of days for all closure types for files that closed in 1998 – 1999 and 1999 – 2000

Measure	1998 – 1999 (680 files closed)	1999 – 2000 (822 files closed)
Average number of days for all closure types	352	376
Median number of days for all closure types	254	274

Part II: Appeals to the Chief Commissioner and the human rights panel process

Overview

The Commissioners

In 1999 – 2000 the Chief Commissioner was Charlach Mackintosh. There were six other part-time Commissioners:

- Lori Andreachuk, Q.C.
- Dr. William P. Baergen
- Beth Bryant
- Diane Marie Colley-Urquhart
- Deborah Prowse
- Helen Rice

All Commissioners are appointed by Order in Council. For more information on the Commissioners and their terms of appointment consult the Commission's website at www.albertahumanrights.ab.ca or contact any Commission office.

Parties unable to settle a complaint with merit

When parties are unable to settle a complaint that the Director believes has merit, the Director reports this to the Chief Commissioner. The Chief Commissioner then appoints a Human Rights Panel to adjudicate the case.

Appeals to the Chief Commissioner

If the Director dismisses or discontinues a complaint, the complainant may appeal by writing to the Chief Commissioner within 30 days of receiving the Director's decision. If the Chief Commissioner agrees that the complaint should have been dismissed or discontinued, he will uphold the Director's decision. If the Chief Commissioner does not agree that the complaint should have been dismissed or discontinued, he appoints a Human Rights Panel to decide the matter.

The Chief Commissioner's decision on the appeal is final and binding on the parties, although it is subject to judicial review by the Court of Queen's Bench. A judicial review is a review of the process used in making the decision, not an appeal of the decision. A judicial review must be requested within six months of receiving the Chief Commissioner's decision.

Human rights panels

Human rights panels are administrative tribunals that are appointed by the Chief Commissioner. Panels deal with complaints where the Chief Commissioner receives a report from the Director that the parties are unable to settle a complaint where merit has been found, or where the Chief Commissioner decides that a complaint should not have been dismissed or discontinued by the Director.

The Chief Commissioner appoints one or three Commissioners to sit as the panel. The panel receives submissions from the parties and hears evidence about the situation that resulted in a complaint being filed. After hearing the evidence about a complaint, the panel makes a decision about whether or not the complaint has merit. If the panel decides that the complaint has merit, the panel orders a remedy. If the panel finds that the complaint is without merit, then it will dismiss the complaint.

Where the panel finds that the complaint has merit, it will order a remedy that may include one or more of the following:

- stops the discrimination that the complaint is about;
- stops the respondent from contravening the Act in the same or any similar manner in the future;
- provides the complainant with the rights, opportunities or privileges that were denied because of the discrimination;
- compensates the complainant for any lost wages, income or expenses because of the discrimination;
- or any other action that the panel decides would place the person discriminated against in the position they would have been if the discrimination had not occurred. This might include, for example, ordering the respondent to pay the complainant damages for pain and suffering, or ordering the respondent to implement new policies.

The panel can also make an order concerning costs.

Both parties — complainant and respondent — receive the panel's decision. The decision is also filed with the Court of Queen's Bench. Once filed with the Court of Queen's bench, a panel decision has the same force and effect as a court decision. Either the complainant or respondent can appeal the panel's decision within 30 days of receiving the decision to the Court of Queen's Bench.

Appeals reviewed by Chief Commissioner

In 1999 – 2000 the Chief Commissioner completed reviews on 57 files. This compares to 41 files in 1998 – 1999. The larger number of files reviewed in 1999 – 2000 is due to the larger number of files processed overall by the Commission in that year. The Chief Commissioner's decisions are summarized in the tables below.

Appeals reviewed by the Chief Commissioner in 1999 – 2000

Type of Appeal	Number of Decisions Upheld	Number of Decisions Overturned	Total Number of Appeals
Dismissal	46	7	53
Discontinuance	3	1	4
Totals	49	8	57

Appeals reviewed by the Chief Commissioner in 1998 – 1999

Type of Appeal	Number of Decisions Upheld	Number of Decisions Overturned	Total Number of Appeals
Dismissal	22	9	31
Discontinuance	3	7	10
Totals	25	16	41

Disposition of complaints scheduled for or heard by panels

The Commission closed a total of 822 complaint files in 1999 – 2000. Thirty-six of these, or four percent, closed through the panel process. Some of these settled prior to a hearing. This compares with 15 complaints that were closed through the panel process in the previous fiscal year, or three percent of the total of 680 files closed.

Of the 36 complaints referred to panel:

- 9 files (twenty-five percent of the files closed through the panel process, or one percent of all files closed), were settled by the parties prior to the panel hearing, usually with the assistance of Commission staff.
- 19 files (fifty-three percent of the files closed through the panel process, and two percent of all files closed), went through a panel hearing, the panel found merit to the complaints and ordered an appropriate remedy.
- 8 files (twenty-two percent of the files closed through the panel process and one percent of all files closed), went through a panel hearing, the panel found no merit and dismissed the complaints.

Complaints closed through the human rights panel process 1998 – 1999 and 1999 – 2000

Human rights panel process	1998 – 1999 Number of complaint files closed through the panel process	1998 – 1999 Percentage of all complaint files closed	1999 – 2000 Number of complaint files closed through the panel process	1999 – 2000 Percentage of all complaint files closed
Settled prior to panel hearing	11	2%	9	1%
Decided by panel: merit	1	0%	19	2%
Decided by panel: no merit	3	0%	8	1%
Sub-total: Complaints closed through the human rights panel process	15	2%	36	4%
Complaints closed through the complaint resolution and settlement process provided by the regional offices and Director's office	665	99%	786	96%
Total	**680**	**101%***	**822**	**100%**

*Numbers total more than 100% due to rounding

Complaints closed through the resolution and settlement services provided by the regional offices and Director's office are discussed in Part I of this report.

Panel decisions

Panels held in 1999 – 2000

Parties	Complaint files heard by panel	Date of panel decision
Connie Starzynski, et al. v. the Canada Safeway Limited and United Food & Commercial Workers Local 401	15	May 14, 1999
Hermine Cazely v. Intercare Corporate Group Inc.	3	June 8, 1999
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James Berry v. Farm Meats Canada Ltd.	1	March 2, 2000
William Mattern/Steve Russell v. Spruce Bay Resort	2	March 16, 2000
Total — 10 Panels	**27 complaints files**	

Complete decisions are found on the Commission's web site or are available on request directly from the Commission. Summaries of the panel decisions are provided below.

Connie Starzynski et al. v. the Canada Safeway Limited and United Food & Commercial Workers Local 401

Decision: May 14, 1999

Area — employment, **Ground** — physical disability, **Decision** — merit found/remedy ordered/union and employer jointly and severally liable. **Appeals** — the respondents appealed the panel decision to Court of Queen's Bench. The Court upheld the panel decision and confirmed the independence of the human rights complaint process (QB decision date December 5, 2000). The respondents have appealed the Court of Queen's Bench decision to the Alberta Court of Appeal with respect to the merit of the decision and not the independence issue.

The respondent employer was facing a financial crisis. Approximately eighty percent of the full time employees were at the top of the pay scale, which resulted in very high labour costs for the employer. The employer offered a buyout program to its employees that provided a lump sum payment. If employees accepted the lump sum payment it would either terminate their employment or allow them to continue in

the status of a newly hired employee without their seniority and at a significantly reduced level of pay and hours. To be eligible for the buyout program an employee must have worked for 52 weeks the previous year and had an hourly wage of over $10.00/hour. The complainants are a group of employees that were on disability leave and therefore did not qualify for the buyout package. The complainants alleged discrimination on the ground of disability.

The panel considered the question of whether the buyout program, including the eligibility clause, was reasonable and justifiable. The panel found that discrimination had occurred. Evidence showed that undue hardship would not have resulted by accommodating the group of employees and there was no evidence that undue hardship on the other employees would occur. The panel concluded that the eligibility clause of the buyout program resulted in adverse effect discrimination and found that the union and the employer were liable for the discrimination. The respondents appealed to the Court of Queen's Bench on the merit of the panel decision and on the independence of the human rights complaint process. The Court upheld the panel decision and confirmed the independence of the human rights complaint process. The respondents have appealed the Court of Queen's Bench decision to the Alberta Court of Appeal with respect to the merit of the decision and not the independence of the human rights complaint process.

Hermine Cazely v. Intercare Corporate Group Inc.

Decision: June 8, 1999
Area — employment, **Grounds** — race, colour, age, ancestry and place of origin, **Decision** — no merit found/complaints dismissed

Ms. Cazely submitted three complaints. She alleged that certain members of Intercare Corporate Group's staff discriminated against her in the area of employment on the grounds of race, colour, age, ancestry and place of origin. The complainant was hired as a nursing aid to work in the Chinook Care Centre in Calgary. She alleged that she was singled out and questioned about a theft, shifted to different assignments and denied a copy of her performance evaluation. The complainant believed this treatment was because of her race, colour, age, ancestry and place of origin.

The panel did not find merit to the complaints. The panel found that the complainant was not singled out and questioned about the thefts. Evidence showed that other staff on the same shift were also questioned. The panel also found that the complainant was assigned to

different shifts to accommodate patient care and copies of employee evaluations were not given to employees pursuant to the union's collective agreement. The panel found no other evidence to indicate discrimination. The complaints were dismissed.

Cathy Paul v. PowerComm Inc.

Decision: June 24, 1999
Area — equal pay, **Decision** — no merit found/complaint dismissed

Cathy Paul was employed as an electrician in the panel shop of PowerComm Inc. She alleged that her employer failed to pay her at a rate equal to that of a male employee performing substantially similar work. Ms. Paul alleged she was paid $1 less an hour than a male employee performing similar work in the field. The *Alberta Human Rights, Citizenship and Multiculturalism Act* requires that employers not discriminate on the basis of gender. The Act specifically ensures that men and women working in the same establishment and performing "similar or substantially similar work" must be paid at the same rate of pay. Employers are entitled to pay employees different rates of pay based on factors such as experience, education and merit.

The panel concluded that work in the shop was not the same as the work in the field. In addition, after a review of Ms. Paul's work experience, the panel concluded that she had the equivalent of two years of actual work experience even though she had been certified as an electrician for a longer period. The panel therefore concluded that she was paid appropriately. The panel found that PowerComm Inc. did not discriminate against Ms. Paul with respect to any term or condition of employment because of her gender. The panel dismissed the complaint.

Jacqueline Fiddler (Loyer) v. Grant MacEwan Community College

Decision: July 14, 1999
Area — service, **Grounds** — race/gender/ancestry, **Decision** — merit found/remedy ordered. **Appeal** — respondent appealed to Court of Queen's Bench/Court set aside panel decision (QB decision date March 2, 2000)

Jacqueline Fiddler (Loyer) was enrolled in a Life Management Skills Leader Training Program (LMSLT) at Grant MacEwan Community College (GMCC). Ms. Fiddler filed a complaint with the Human Rights and Citizenship Commission, claiming GMCC had discriminated against her on the grounds of race, gender and ancestry, and that she failed the program as a result of the discrimination. In Alberta, the *Human Rights, Citizenship and Multiculturalism Act* prohibits

discrimination on the grounds of race, colour and place of origin in the area of service. Racial discrimination is an unjust practice or behaviour whether intentional or not, which has a negative effect on any individual or group.

The panel found evidence that GMCC told Ms. Fiddler not to speak about her native heritage, the term "bedroom slippers" was used to describe Ms. Fiddler's beaded moccasins and the term "wooden Indian" was used to describe Ms. Fiddler's demeanour. It was the decision of the panel that there was both direct and adverse effect discrimination against Ms. Fiddler because of her native ancestry; and this discrimination contributed in part to her failing grade. The panel ordered GMCC to issue Ms. Fiddler her certificate for the LMSLT program and refund the cost of the program, and awarded damages for injury to dignity and self-respect. GMCC appealed the order made by the panel to the Court of Queen's Bench. The court set aside the panel decision.

Farrokh Lavimizadeh v. Factotum Steel Industries Inc.

Decision: August 10, 1999
Area — Employment, **Ground** — physical disability, **Decision** — no merit found/complaint dismissed

The complainant applied for a position as welder and was hired by the respondent after a pre-employment screening test. The complainant had a back condition that had required two surgeries prior to his employment with the respondent. On his second day of work Mr. Lavimizadeh fell and re-injured his back. The next day he reported for work and was advised that his employment was terminated as there was no work for him. He then filed a complaint with the Commission on the ground of physical disability in the area of employment.

The work in the welding fabrication shop required a welder with extensive expertise. The panel found that the pre-employment screening of the complainant did not provide a comprehensive assessment of his ability to do the job. The operations manager further assessed the complainant's ability once the complainant started the job, and determined that the complainant did not have the level of expertise required. The complainant testified he had some difficulties with the work he was doing. There was no evidence the employer was aware of Mr. Lavimizadeh's accident when they terminated him. The panel dismissed the complaint.

Rayanna King v. Rick St. Denis and Universal Maps of Canada Inc.

Decision: October 4, 1999
Area — Employment, **Ground** — gender/sexual harassment, **Decision** — merit found/remedy ordered

Rayanna King alleged that the respondent discriminated against her in the area of employment on the ground of gender. Ms. King and other witnesses testified that Mr. St. Denis told jokes with sexual elements that were demeaning to women. At a Christmas party the respondent made sexually offensive remarks and gestures, which the complainant responded to negatively. Ms. King testified that after this incident there was a change in the respondent's behaviour toward her and she was subsequently terminated.

The panel found that the complainant was discriminated against in the workplace because of her gender. This discrimination took the form of sexual harassment by the respondent and was the reason her employment was terminated. Although evidence showed that the respondent received notification of the hearing, he did not attend. However, the panel found the complainant to be a credible witness and her testimony was corroborated by two other witnesses. The remedy set out by the panel included an amount for injury to dignity and self-respect and lost wages and required the respondent to attend an education session.

Jim Weitmann v. City of Calgary Electric System

Decision: February 8, 2000 and May 24, 2000 (for order)
Area — Employment, **Ground** — mental disability, **Decision** — merit found/remedy ordered. **Appeal** — respondent appealed decision to Court of Queen's Bench/Court set aside panel decision (QB decision date March 12, 2001)

The complainant was employed with the respondent for 15 years and held the position of working foreman in the meter department for the last six years of his employment. In 1996 the Voluntary Departure Program was announced to all electrical system employees. The complainant applied for the program and received a severance package.

The complainant later asked the respondent for reconsideration of his application as his disability combined with a recent death in his family would have precluded him from making a rational decision about his future. The respondent denied this request for reconsideration. Mr. Weitmann then filed a complaint with the Commission on the ground of mental disability in the area of employment.

The panel found that the complainant suffered from a mental disorder and at the time the buy-out package was being offered he exhibited symptoms that impaired his competence. The panel found that the respondent did discriminate against the complainant on the ground of mental disability. The panel awarded reinstatement of the complainant, lost wages, damages and solicitor client costs. The respondent appealed the panel decision to Court of Queen's Bench. The court set aside the panel decision.

May Chow v. Mobil Oil Canada

Decision: February 17, 2000
Area — employment, **Ground** — gender/pregnancy, **Decision** — no merit found/complaint dismissed

Mobil Oil Canada employed the complainant for approximately 19 1/2 years, her most recent position being a Reservoir Engineering Technician/Assistant. Ms. Chow informed her supervisor of her pregnancy, her expected due date, and her plans to take maternity leave. Shortly after this, the workplace underwent a reorganization, which resulted in employees being reassessed. The process for hiring focused on an assessment of each employee. One team leveled the assessment data, and then another team did the selection of staff. Ms. Chow was not successful securing a position as a technician or administrative assistant. May Chow believed she was released from her employment due to her pregnancy and subsequent maternity leave and proceeded to file a complaint with the Commission on the ground of gender/pregnancy in the area of employment.

The panel found no evidence to suggest discrimination against the complainant in the ranking and selection process based on pregnancy. The panel dismissed the complaint.

James Berry v. Farm Meats Canada Ltd.

Decision: March 2, 2000
Area — employment, **Ground** — physical disability, **Decision** — merit found/remedy ordered. **Appeal** — the respondent appealed the panel decision to Court of Queen's Bench/Court upheld panel decision (QB decision date September 29, 2000)

The complainant was hired on a full-time basis by the respondent as the sales manager for Western Canada. Less than three months into his employment Mr. Berry suffered a mild heart attack and required hospitalization. He was told by his doctor not to return to work for one month. The complainant believed that Farm Meats Canada terminated

his employment because of his heart condition and proceeded to file a human rights complaint on the ground of physical disability in the area of employment. The respondent claimed that the complainant was on probation and was released because of poor job performance.

It was the opinion of the panel that Mr. Berry effectively demonstrated on the balance of probabilities, a case of discrimination based on physical disability. The panel concluded that the complainant was terminated without warning during his recovery from a heart attack. The remedy included lost wages for one month and damages for pain and suffering. The respondent appealed the panel decision to Court of Queen's Bench. The Court upheld the panel decision (QB decision date August 4, 2000).

William Mattern/Steve Russell v. Spruce Bay Resort

Decision: March 16, 2000
Area — services, **Ground** — family status, **Decision** — no merit found/ complaint dismissed. **Appeal** — complainants appealed to Court of Queen's Bench/Court upheld panel decision

The complainants each filed a complaint with the Commission alleging discrimination on the basis of family status in the area of services. They believed that Spruce Bay Resort refused to rent them campsites because they are single. Spruce Bay Resort advertises itself as a family campground. Mattern and Russell traveled to the resort to camp with their brothers and some friends, who would be joining them later that night. The resort manager testified that it was unclear whether the complainants wanted to stay for one or two nights. The policy of the campground is to book for a minimum of two nights on the weekend. Also, it was unclear to the respondent as to how many individuals would be joining the complainants and when they would be joining them. The resort manager also believed that the complainants would stay up late and make noise that would bother other campers.

The panel did find a prima facie case of discrimination, but decided that the decision of the respondent was reasonable and justifiable based on sound business practices. The panel dismissed the complaint. The complainants appealed the dismissal to the Court of Queen's Bench. The Court upheld the panel decision.

Part III: Education services

Recognizing Albertans for their achievements in human rights and celebrating International Human Rights Day

Approximately 300 people gathered at Edmonton's City Hall on Thursday December 9, 1999, to celebrate International Human Rights Day and to recognize the two 1999 Human Rights Awards recipients. The Chief Commissioner, Charlach Mackintosh, and the Mayor of the City of Edmonton, His Worship Mayor Bill Smith hosted the event.

The Commission presented the Alberta Human Rights Award to honour leadership in human rights for Albertans to Satya Das, a columnist and foreign affairs writer with the Edmonton Journal and Southam Newspapers of Canada. He has written extensively about national, regional and local politics, economic and social issues, and international relations. Mr. Das was recognized for his longstanding commitment to human rights issues and for coverage related to the international human rights conference commemorating the 50th anniversary of the Universal Declaration of Human Rights.

The Suzanne Mah award is given by the Commission to honour a member (or members) of the legal profession who exemplify human rights principles and ideals in the practice or teaching of law. The Vriend legal team received this award in 1999. The team represented Delwin Vriend's case all the way to the Supreme Court of Canada. The court decision resulted in changes to Alberta's human rights legislation to include protection against discrimination on the ground of sexual orientation. The core members of the legal team were Sheila Greckol, Jo-Ann Kolmes, Lyle Kanee, June Ross and Douglas Stollery.

The recipients were presented with framed certificates that were redesigned for the millennium year, along with a specially designed human rights pin.

Commission education services

Education is one of the Commission's core functions. The Commission's key activities in education in 1999 – 2000 were to:

- develop and distribute diversity and human rights education materials;
- develop and implement information, education and training programs;
- develop and implement public relations and promotions initiatives; and
- provide community outreach and consultation services.

In 1999 – 2000, the Alberta Human Rights and Citizenship Commission streamlined human rights education materials and information for the public. Information sheets and the Commission's web site were updated. Resource materials were made available at the Commission's offices, on line at the Commission's web site, through hard copy order forms, at special events and through other agencies. Information sheets were also distributed through an automated fax system. Approximately 2,000 information sheets were distributed each month.

The web site was redesigned and reorganized to make it more accessible and easier to use. For example, information on the legislation, complaint process and decisions was placed in a separate section, and publications and resources were separated from related links. Information on the number of visits made to different pages of the site helped inform the reorganization and the web site received an average of 7,000 visits each month. New types of information such as Human Rights Panel abstracts were added and a system was implemented for tracking and ensuring all web site updates are accurately completed.

Two issues of the Commission's newsletter, *The Citizen,* were produced: fall 1999 and winter 2000. Approximately 3,500 copies of *The Citizen* are distributed in hard copy, by mail, at events, and through the regional offices. It is also available on the web site.

The *Understanding Gender Discrimination* video educational kit was completed. The kit contains a video, audio cassette and instructor's manual. Both the *Discrimination and the Law* educational video kit and the *Understanding Gender Discrimination* kit are available for purchase.

An automated telephone system was developed and implemented to improve communication services to Albertans. Callers are provided with 24-hour information on the Commission, education services and the Human Rights, Citizenship and Multiculturalism Education Fund, human rights legislation, and referrals to other agencies.

Nearly 600 students and 1,400 employees of businesses, community organizations, educational and other public institutions learned about their rights and responsibilities through 45 presentations. In partnership with the Southern Alberta Ethnic Association, a day-long workshop was held in Lethbridge for people and organizations in the region interested in learning more about Alberta's human rights law and employment issues.

Commissioners and staff participated in a mock human rights panel on a sexual harassment complaint in the April 1999 Law Day in Calgary. Commission staff provided assistance and consultation to eight

businesses and public institutions to develop anti-harassment policies for their workplace environment. These policies will assist over 2,000 individuals to learn about employer and employee rights and responsibilities in creating a harassment-free workplace.

The Commission's portable display was updated and material and information was displayed in 27 communities, reaching a potential audience of over 4,200 people.

In a joint program with the Commission, the regional public library systems of the Library Association of Alberta, and the library systems of Edmonton and Calgary continued a program to build awareness of human rights through libraries by acquiring human rights resources. The program was launched the previous year with funding support from the Human Rights, Citizenship and Multiculturalism Education Fund to recognize the 50th anniversary of the United Nations' Universal Declaration of Human Rights, and the 25th anniversary of the Commission. Additional sections of an annotated human rights bibliography for children and youth developed in connection with this awareness program were released throughout the year.

Research was undertaken to identify strategies to have the Commission's services more widely known, more accurately understood, and more accessible. The final report has been received and is being used as one of the tools in undertaking business planning for the education core business.

Client and stakeholder human rights education needs were assessed through focus groups held in Edmonton and Calgary in March 1999. This information provided the basis for a national human rights conference, *Building a Human Rights Culture: Tools for Transformation,* scheduled to be held in Banff in May 2000 and hosted by the Alberta Human Rights and Citizenship Commission on behalf of the Canadian Association of Statutory Human Rights Agencies. The national conference was planned in 1999 – 2000 by a team that included clients, stakeholders, Commission staff and contractors. Over 5,000 copies of a promotional "lure" brochure were distributed in October and a similar number of copies of the program brochure were distributed beginning in January 2000. All materials were made available on the web site in both English and French.

Human Rights, Citizenship and Multiculturalism Education Fund

Like the Commission, the Education Fund was created by the *Human Rights, Citizenship and Multiculturalism Act*. The Education Fund receives an annual allocation from Alberta Lottery Fund as well as a small amount of income from other sources, such as interest. The annual budget for the Education Fund is $1.2 million.

The Education Fund provides financial support for the Commission's education programs and services as well as grants to community groups for educational programs and services that are in keeping with the purposes of the Act.

The Minister has appointed a Human Rights, Citizenship and Multiculturalism Education Fund Advisory Committee. A member of the legislative assembly chairs the committee and the vice-chair is the Chief Commissioner of the Alberta Human Rights and Citizenship Commission. There are also five community members. A major activity of the committee is to review grant applications and make recommendations to the Minister on grants. The committee also provides the Minister with advice on the overall use of the fund.

A separate annual review is available for the Education Fund from Alberta Community Development. It provides an annotated list of all of the grants approved during the fiscal year as well as other general information about the utilization of the Education Fund.

Accountability

Measuring public awareness of the Commission and confidence in the Commission's work

An independent province-wide telephone survey of 1,000 adult Albertans is undertaken annually to measure public awareness of the Commission and confidence in its work. This survey asks Albertans about their beliefs in how well human rights are protected in Alberta, their awareness of the Alberta Human Rights and Citizenship Commission, and their beliefs about how significant a role the Commission plays in ensuring that their rights are protected. The results of this survey are used by both the Commission and the Ministry of Community Development as performance measures for the goal of protecting human rights and promoting fairness and access for all Albertans.

Due to methodological changes that resulted in improvements to the questionnaire in 1998 – 1999, only results for the last two years are presented.

Percentage of Albertans who believe human rights are fairly well or very well protected in Alberta

In the survey, respondents were asked, "Thinking about human rights, overall, how well do you feel human rights are protected in the province of Alberta?"

Target: 80 percent
Results for 1999 – 2000: 83.2 percent
Results for 1998 – 1999: 81.7 percent

Source: Angus Reid Group, 1998 – 1999, Research Innovations Inc., 1999 – 2000.

In 1999 – 2000, 83.2 percent of Albertans believed human rights were "fairly well" or "very well" protected in Alberta. This is a 1.5 percent increase from 1998 – 1999. The target established for the year was 80 percent.

Percentage of Albertans who are aware of the Human Rights and Citizenship Commission

In the survey respondents were asked, "If you were concerned about protecting someone's human rights, where could you go for help or advice?" For those who did not identify the Commission, another question was asked, "To the best of your knowledge, does Alberta have a human rights commission?" The results are reflected in the chart below.

Awareness of the Commission

Target: 80 percent
Results for 1999 – 2000: 73.2 percent
Results for 1998 – 1999: 72.1 percent

Source: Angus Reid Group, 1998 – 99, Research Innovations Inc., 1999 – 2000 (FONT SIZE)

A total of 73.2 percent of respondents were aware of the existence of Alberta's human rights commission. Although the target of 80 percent was not met, an increase of just over one percent was realized over the results reported in the previous year.

Percentage of Albertans who believe the Commission plays an important role in the protection of human rights

This measure reports how important respondents perceive the Commission to be in ensuring that human rights are protected in the province. Only those respondents who were able to identify or were aware of the Commission were asked their opinion for how important a role the Commission has in protecting the human rights of Albertans.

Believe the Commission plays an important role

Target: 90 percent
Results for 1999 – 2000: 93.1 percent
Results for 1998 – 1999: 91.5 percent

Source: Angus Reid Group, 1998 – 99, Research Innovations Inc., 1999 – 2000

On a five-point rating scale, the results from the top two categories, "very important" and "somewhat important" were combined. The results indicate that 93.1 percent of the 545 respondents believed the Commission played an important role in the protection of human rights. This represents nearly a two percent increase from the prior year, exceeding the 90 percent target. Respondents aware of the Commission perceive it to be effective in ensuring human rights are protected in the province.

Office of the Ombudsman

The Commission strives to treat everyone fairly. When someone believes they were not treated in an administratively fair manner, they can contact the Office of the Ombudsman. The Ombudsman investigates complaints Albertans have about actions of Alberta Government departments, boards and agencies, including the Commission.

If Albertans believe they have been treated unfairly, they may write the Ombudsman, explaining why they believe they have been unfairly treated and ask him to investigate.

Before the Ombudsman can do an investigation, the person must try to resolve the problem by using available means. In the case of the Commission, this means discussing the problem with a regional manager or the Director.

If the Ombudsman decides to investigate a complaint, one of his investigators will gather information from all the people involved. The Ombudsman will then decide whether he feels there is evidence to support the complaint. If he does support the complaint, he will suggest a solution he thinks is fair. The Ombudsman does not take sides when investigating complaints; he acts impartially and makes recommendations based on evidence.

In 1999 – 2000 the Ombudsman completed investigations into two complaints about the services provided by the Commission. The Ombudsman found that the Commission's services were appropriate in both cases.

In one case the complainant said that the Commission had unfairly delayed the assessment and acknowledgement of their human rights complaint and had also delayed advising them that additional information was required before the complaint could be accepted. The Ombudsman found that although there were some delays in the process, they were not unreasonable or unfair.

In the other case the complainant said that the Commission had unduly delayed the processing of their human rights complaint, that the Commission did not conduct a thorough investigation and that the Commission unfairly dismissed their human rights complaint. The Ombudsman found that the Commission provided the proper process to the complainant and that there was no undue delay.

In 1998 – 1999 the Ombudsman did not conduct any investigations into services provided by the Commission.

Contact information

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Calgary, Alberta T2R 0C9
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Toll-free access within Alberta is available by dialing 310-0000 and then entering the seven-digit number you wish to reach.

Deaf or hard of hearing with TTY:
Edmonton: (780) 427-1597
Calgary: (403) 297-5639

E-mail: humanrights@gov.ab.ca

More information is available through an automated fax request line at (780) 422-8723 or through the Commission's web site at www.albertahumanrights.ab.ca